

Examiner provided the following six groups of claims as exemplary inventive groups and invited Applicants to choose to elect a single invention for prosecution by identifying "another specific embodiment not listed in the exemplary groups of the invention and examiner will endeavor to group the same."

The exemplary groups provided by the Examiner are as follows:

- I. Claims 1-26, 28 and 29, drawn to compounds and compositions of formula I, and a method for treatment of a disease or disorder, wherein R1 is a saturated unsubstituted hydrocarbon chain having from 2 to 30 carbon atoms, R2 is H, and D is diclofenac, classified in various classes and subclasses;
- II. Claims 1-26, 28 and 29, drawn to compounds and compositions of formula I, and a method for treatment of a disease or disorder, wherein R1 is an unsaturated, unsubstituted hydrocarbon chain having from 2 to 30 carbon atoms, R2 is phospholipid head group, and D is indomethacin, classified in various classes and subclasses;
- III. Claim 27, drawn to a use for the manufacture of a medicament, wherein R1 is a saturated unsubstituted hydrocarbon chain having from 2 to 30 carbon atoms, R2 is H, and D is diclofenac, classified in various classes and subclasses;
- IV. Claim 27, drawn to a use for the manufacture of a medicament, wherein R1 is an unsaturated, unsubstituted hydrocarbon chain having from 2 to 30 carbon atoms, R2 is a phospholipid head group, and D is indomethacin, classified in various classes and subclasses;
- V. Claims 30-33, drawn to a process for the synthesis of compounds of the general formula I, wherein R1 is a saturated, unsubstituted hydrocarbon chain having from 2 to 30 carbon atoms, R2 is H, and D is naproxen, classified in various classes and subclasses, and
- VI. Claims 30-33, drawn to a process for the synthesis of compounds of the general formula I, wherein R1 is a saturated unsubstituted hydrocarbon chain having from 2 to 30 carbon atoms, R2 is H, and D is diclofenac, classified in various classes and subclasses.

In response to the restriction requirement, Applicants elect, with traverse, a group of claims that is a modification of Group II prepared by the Examiner. Applicants modify Group II

such that R1 is a saturated, unsubstituted hydrocarbon chain having from 2 to 30 carbon atoms (in original Group II, R1 was an unsaturated, unsubstituted hydrocarbon chain having from 2 to 30 carbon atoms). Thus, the inventive group of claims elected for prosecution by Applicants reads as follows:

Claims 1-26, 28 and 29, drawn to compounds and compositions of formula I, and a method for treatment of a disease or disorder, wherein R1 is a saturated, unsubstituted hydrocarbon chain having from 2 to 30 carbon atoms, R2 is phospholipid head group, and D is indomethacin, classified in various classes and subclasses.

However, Applicants have made this election with traverse for the sole reason that Applicants believe that it would not be unduly burdensome for the Examiner to perform a patentability search for the claims of Groups I-VI together. The claimed compounds all refer to non-steroidal anti-inflammatory drugs covalently conjugated to the sn-2 position of a phospholipid moiety of the general formula I via a bridging group. In addition, the Examiner has divided groups according to the distinction of whether the compound of formula I has a hydrocarbon chain that is saturated or unsaturated. Applicants respectfully submit that this distinction is not necessary because it would not be an unduly burdensome search to cover both possibilities. Similarly, Applicants respectfully submit that the Examiner's distinction between the hydrocarbon chain being substituted or unsubstituted is overly restrictive since searching both possibilities would likewise not involve much extra work. Applicants respectfully submit that for the above reasons it would not be unduly burdensome for the Examiner to search and examine all of the claims in this application. Therefore, Applicants traverse the restriction requirement.

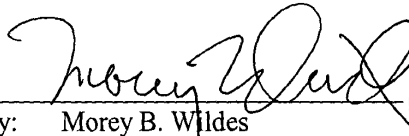
Should the Examiner not find Applicants' arguments persuasive and maintain the restriction requirement, but accept Applicants' chosen specific embodiment as defined above, Applicants will amend the claims in the application to be drawn to this embodiment and will cancel claims not otherwise encompassing this embodiment.

No fees are believed due for this response. However, if fees are determined to be due, the Commissioner is hereby authorized to charge any such fee to Deposit Account No. 50-0552.

Reconsideration of the present application, as amended, is respectfully requested. If the Examiner has any questions or concerns regarding this response and amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

  
By: Morey B. Wildes  
Reg. No. 36,968

DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 Seventh Avenue, 14<sup>th</sup> Floor  
New York, New York 10018  
(212) 736-1940